(3)

Of 192

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

CIVIL REVISON NO 07 /2004 Single Bench

Applicant (Plaintiff)	:	Nagesh Gupte S/o Shri Manoharrao Gupte, aged about 22 years, Cultivation, R/o Belha, Tha.- Belha,Dist : -Bilaspur (C.G.).

Versus

Non-Applicants (Defendant)	:	1. Swatibai, W/o Satrughan, aged about 36 years, Cultivator, R/O – Nawagarh Pargana, Nawagarh, Dist.-Durg (C.G.)
		2. Seeta bai, W/o Ayodhya Prasad, aged about 66 years, Cultivator, R/O – Masturi, Tha.- Masturi, Dist.- Bilaspur (C.G)
		3. Geetabai, W/o Daduram, aged about 55 years, Cultivator, R/O – Sonpuri , Tah.- Pamgarh, Dist.- Champa-Janjgir (C.G.)
		4. State of Chhattisgarh Through – The Collector Durg, Dist : Durg (Chhattisgarh)

P. R. No. 104/04 Presented by Shri Vijay Dashpute SR dated 03.02.04

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CIVIL REVISION U/S 115 OF THE CODE OF CIVIL PROCEDURE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक CR 07/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

22.12.2005:

Shri Vijay Deshmukh counsel for the applicant.
Shri Malay Bhaduri counsel for respondents 1 to 3.
Shri Akhil Agrawal PL for respondent No.4/State.

Heard.

This revision petition is directed against the order dated 17.11.2003 passed by Civil Judge Class I Bemetra in Civil Suit No. 140-A/2002 by which the application filed by the applicant under Order VI Rule 17 read with section 151 of the CPC has been rejected and the Court below has further held the suit as abated on account of the death of the sole plaintiff namely Kokilabai.

However, learned counsel for the applicant seeks to withdraw this revision petition as the same is not maintainable in view of the proviso to section 115 of the Code of Civil Procedure. Liberty to take up appropriate remedies available under the law is also sought for.

Accordingly, the revision petition is dismissed as withdrawn with liberty as aforesaid.

As prayed, certified copy of the impugned order be returned to the counsel for the applicant on his furnishing authenticated true copy of the same in the Registry.

Sd/-
Dhirendra Mishra
Judge

[पीछे देखिये